

**STEWART, GREENBLATT, MANNING & BAEZ**

**ATTORNEYS AT LAW  
6800 JERICHO TURNPIKE**

**SUITE 100W  
SYOSSET, NY 11791**

**516-433-6677  
FAX 516-433-4342**

**KAFI WILFORD (2003-2010)  
MICHAEL H. RUINA (1992-2016)**

**RAYMOND J. SULLIVAN  
MONICA M. O'BRIEN  
MARY ELLEN O'CONNOR  
JAMES MURPHY  
OF COUNSEL**

**DONALD R. STEWART (RET.)  
MADGE E. GREENBLATT (RET.)  
ROBERT W. MANNING  
RICARDO A. BAEZ  
DAVID J. GOLDSMITH  
PETER MICHAEL DeCURTIS  
LAURETTA L. CONNORS  
JOHN K. HAMBERGER  
LISA LEVINE  
ANDREA L. De SALVIO  
KRISTY L. BEHR  
LUKE R. TARANTINO  
THOMAS A. LUMPKIN  
JONATHAN SO**

Supreme Court, Appellate Division, Third Department, New York

In the Matter of

TERENCE WILLIAMS, Respondent  
v  
VILLAGE OF COPENHAGEN, Appellant  
and  
WORKERS' COMPENSATION BOARD

Decided September 26, 2019

Facts: The WCLJ established the claim for an injury to the right shoulder. In their application for board review, the carrier only listed the minutes of the underlying hearing in the documents to be reviewed. However, in the attached brief, they cited to two additional documents. The Board denied the carrier's application.

Holding: Affirmed.

Discussion: The Board has taken the position that if a particular piece of evidence is referenced in the party's attached brief but is not set forth in question number 13 of form RB-89, then the party's application will be denied. In this case, the carrier's application for review per-dated the Guidelines document sent out by the Board. However, the Court found that given the detailed list of evidentiary items encompassed by question 13 and the overarching requirement that form RB-89 be completed in its entirety, the Board did not abuse its discretion.